



R/W MANUAL CHANGE
(1993 Edition)

RWMC-- **74**



PROCEDURAL HANDBOOK
(1984 Edition)

RWPH-____-____-____
TRANSMITTAL#____

TITLE	APPROVED BY 	DATE ISSUED August 31, 1999
CERTIFICATIONS	MICHAEL LAHODNY	Page 1 of 1
SUBJECT AREA Chapter 14 - Certification Exhibits	ISSUING UNIT Right of Way Project Delivery	

SUMMARY OF CHANGES

Exhibits 14-EX-3, 14-EX-4, 14-EX-5, 14-EX-6, 14-EX-7, 14-EX-8, and 14-EX-9.

PURPOSE

Reformats and realigns all Certification exhibits to eliminate unnecessary spacing and duplication.

14-EX-6: Corrects language in paragraph 10 in accordance with 23 CFR 635.309.

EFFECTIVE DATE

Effective immediately.

REVISION SUMMARY

<u>Chapter</u>	<u>Remove Old Page</u>	<u>Insert New/Revised Page</u>	<u>Replace Interim Change</u>
14 - Exhibits	14-EX-3 14-EX-4 14-EX-5 (5/96) 14-EX-6 14-EX-7 14-EX-8 14-EX-9	14-EX-3 (Rev. 6/99) 14-EX-4 (Rev. 6/99) 14-EX-5 (Rev. 6/99) 14-EX-6 (Rev. 6/99) 14-EX-7 (Rev. 6/99) 14-EX-8 (Rev. 6/99) 14-EX-9 (Rev. 6/99)	N/A

ONLY THE PARAGRAPHS RELATING TO THE SPECIFIC PROJECT SHOULD BE USED

To: (Name), District Director **Date:**
Attention: District Division Chief **File:** Dist.-Co.-Rte.-KP/PM: _____
Project Development EA (Design Phase No.): _____
Const. Fed-Aid No: _____¹
Right of Way Fed-Aid No. _____¹

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____

Subject: Right of Way Certification No. _____ for the project _____ (Location and Work Description from District PS&E)

1. **STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.

(OR)

1. **STATUS OF REQUIRED RIGHT OF WAY:** Right of way (has been) acquired in accordance with applicable policy and procedure covering the acquisition of real property. State (has) legal and physical possession and right to enter on all land as follows:

A. Total number of parcels required. _____²

1. Parcels acquired (escrow closed or Final Order of Condemnation recorded). _____³
2. Parcels covered by Order for Possession. _____³

Parcel No.	Owner	Effective Date
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3. Parcels covered by Right of Entry (RE) _____³

Parcel No.	Owner	Type ⁴	Effective Date	Date Funds Made Available to Owner ⁵
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4. Parcels covered by a Right of Entry executed prior to appraisal _____⁶

Parcel No.	Owner	Effective Date
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5. Parcels covered by Resolution of Necessity only. _____³
(Used only rarely in a Cert No. 3 situation where the project must be advertised, the Resolution of Necessity has been approved by the CTC, but the Order for Possession has not yet been served.)

Parcel No.	Owner	Anticipated OR Effective Date
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6. Parcels covered by other acquisition documents as follows: _____³

Explanation: _____

NOTE: Items 1 through 6 should equal Line A.

¹ Add these words to all Certs. Must insert number(s) or the word "NONE" for the R/W Fed-Aid No.
² Parcels shown in Items 1-6 should total the number shown in Item A.
³ Detail should be added showing expiration dates with fixed termination dates, such as temporary easements.
⁴ Either RE or RC (possession clause in approved Right of Way Contract).
⁵ If no entry is made in this column, a full explanation is required.
⁶ Attach justification/approval from the DDC, Right of Way.

CERTIFICATION FORMAT (Cont'd)

(Form #)

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B. Construction Permits, etc., required.

KP/PM	Owner	Type Document	Effective Date	Expiration Date
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2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES: None affected. (OR)

Clearance letter has been received from Office of Structures. This project is now satisfactory for advertising insofar as the _____ Railroad is concerned. (OR)

Clearance letter has not been received from the Office of Structures. (Explain the railroad involvement, e.g., Service Contract, clauses in Contract Special Provisions, etc., with the name of the railroad involved.) This Certification is subject to the clearance letter from the Office of Structures.

- 3. MATERIAL/DISPOSAL SITE(S):** None required (OR)
 Commercial (OR)
 Optional site(s) secured as follows: (OR)
 Mandatory site(s) secured as follows:

Parcel Agreement No.	Owner	Document Date	Expiration Date
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4. STATUS OF REQUIRED UTILITY RELOCATIONS: None required (OR)

All utility work has been completed. (OR)

All utility work will be completed by a stated date prior to award of the contract (see schedule below). (OR)

All necessary arrangements have been made for the completion of all remaining utility work required to be coordinated with project construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. The special provisions in the contract provide for the coordination (see schedule below).

Utility notices must have been issued. (AND) (when applicable)

Federal approvals have been obtained. (AND) (when applicable)

The following utilities are located within the project rights of way but require no relocation:

Company	Type/Facility
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(AND) (when applicable)

The following utilities are in conflict with the project and require relocation as follows:

Right of Way

Notice No.	Notice Date	Company	Liability (Owner/State)	Type of Facility	Relocation Schedule
					Date (OR) Concurrent with Construction (OR) Bid Item

Additional information required for each bid item (when applicable):

Bid Item No.	Type of Facility	Liability (Owner/State)	Federal Participation ⁷
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- 5. RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions located within the limits of this project. (OR)
 All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction. (OR)

All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	KP/PM	Description	Salvable/Non Salv.	Method of Disposal	Date Site Available to Const. Contractor
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- 6. AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project. (OR)
 All necessary arrangements have been made with airspace lessee(s) and/or in Contract Provisions to minimize conflicts between lessee's activities and contractor's operations. (OR)

⁷ If yes, a copy of Specific Authorization to Relocate Utilities memorandum must be attached. (See Form RW 13-15.)

CERTIFICATION FORMAT (Cont'd)

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Airspace lease (describe) has been canceled effective (date). (OR)
(Explanation of other disposition of airspace lease area.)

7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project. (OR)

The project has no occupied parcels. (Except as explained below.)⁸ The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the State has made replacement housing available to the relocatees.

Types of relocation involved on this project: ⁹ Personal property relocation (AND) residential relocation, (AND) business, farm, or nonprofit relocation.

Exceptions:

Occupants of residences, businesses, farms or nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

Parcel No.	KP/PM	Name of Occupant	Date to Vacate	Type Occupancy
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Explanation: (Describe the exceptions and the reason the R/W is not clear.)

8. **COOPERATIVE AGREEMENTS** (Optional Entry): None Required. (OR) Agency Agreement No.

9. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for this project. (OR)

All environmental mitigation parcels on the project have been acquired. (OR)

Acquisition of environmental mitigation parcels is ongoing. (Explanation.)

10. CERTIFICATION

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1) (OR) (C)(2). The project may be advertised with contract award being made at any time. (OR)

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. The project will be certified as conforming to Paragraph (C)(1) (OR) (C)(2) by (date). (AND)
(Explanation and reasons why a #3 certification is being used and substantiation that the Cert #1 or #2 date given above is realistic.) (OR)

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the Bid Documents. An updated Certification No. 3 will be provided by (date)." ¹⁰ (OR)

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project has been advertised and the contract may be awarded. Approvals are attached for the work-around. I have confirmed that all appropriate notifications have been included in the Bid Documents concerning said work-around." ¹¹

District Division Chief - Right of Way

(or person authorized in writing to sign Certification)

- c: District or Headquarters, Office Engineer/Attn: Scheduling Engineer
Headquarters, Program Manager, HQ R/W (Cert 3W only)

⁸ Remove words in parentheses if not applicable.

⁹ Enter only those types involved in the specific project.

¹⁰ Certification statement to be used on the initial submittal of Special Certification No. 3.

¹¹ Certification statement to be used on the updated Special Certification No. 3 required no later than 15 days prior to bid opening.

SAMPLE MINIMUM CERTIFICATION

(Form #)

To: (Name), District Director**Date:**Attention: District Division Chief
Project Development**File:** Dist.-Co.-Rte.-KP/PM: _____
EA (Design Phase No): _____
Const. Fed-Aid No: _____
Right of Way Fed-Aid No: _____**From:** DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. 1 for the project in _____.

1. **STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.
2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** None affected.
3. **MATERIAL/DISPOSAL SITE(S):** None required.
4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** None required.
5. **RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions located within the limits of this project.
6. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project.
8. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for the project.
9. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1). The project may be advertised with contract award being made at any time.

District Division Chief - Right of Way
(or person authorized in writing to sign Certification)

c: Headquarters, Office Engineer /Attn.: Scheduling Engineer

**SAMPLE CERTIFICATION NO. 1 "SUBJECT TO" RAILROAD
CLEARANCE LETTER**

(Form #)

To: (Name), District Director **Date:**

Attention: District Division Chief **File:** Dist.-Co.-Rte.-KP/PM: _____
Project Development EA (Design Phase No.): _____
Const. Fed-Aid No: _____
Right of Way Fed-Aid No: _____

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. 1 for the Project in _____

1. **STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.
2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** Clearance letter has not been received from the Office of Structures. *The involvement with the Peanut County Transportation Company includes: a service contract to cover both the widening of the existing grade crossing (PUC No. B-615.5) and changing the crossing protection devices; insurance clauses in the Special Provisions; and the coordination of work clauses in the Special Provisions. PUC approval is also necessary.* This Certification is subject to the clearance letter from the Office of Structures.
3. **MATERIAL/DISPOSAL SITE(S):** None required.
4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** None required. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved.

The following utilities are located within the project rights of way but require no relocation:

Company	Type of Facility
Dade County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

5. **RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions located within the limits of this project.
6. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project.
8. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for the project.
9. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1). The project may be advertised with contract award being made at any time.

District Division Chief - Right of Way
 (or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer /Attn.: Scheduling Engineer

SAMPLE CERTIFICATION NO. 2 WITH VARIOUS INVOLVEMENTS

(Form #)

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To: (Name), District Director **Date:**

Attention: District Division Chief **File:** Dist.-Co-Rte-KP/PM: _____
 Project Development EA _____
 Const. Fed-Aid No. _____
 Right of Way Fed-Aid No. _____

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____

Subject: Right of Way Certification No. 2 for the Project in _____

1. STATUS OF REQUIRED RIGHT OF WAY: Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all land as follows:

A. Total number of parcels required	<u>12</u>
1) Parcel acquired (escrow closed or Final Order of Condemnation recorded)	<u>4</u>
2) Parcels covered by Right of Entry (RE)	<u>2</u>

Parcel No.	Owner	Type	Effective Date
4355	So. Pacific Trans. Co.	RE	02-1-88
4356	IBM	RE	03-1-88

Parcel 4355 - S.P.T.C: Right of Entry contained in executed C&M Agreement.

Parcel 4356 - IBM: IBM has been involved from the very beginning of development of this project. They are in full agreement with the transaction. The final documents for this transaction are being processed. However, due to IBM's large size and resulting slow corporate processing procedures, these final documents will not be received for some time.

3) Parcels covered by other acquisition documents as follows:	<u>6</u>
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Parcel No.	Owner	Type	Effective Date
4353	Co. of Riverside	Permit 82-5-73	2-13-88
4354	City of Los Angeles	License*	1-1-88 to 1-1-90
4357, 4358, 4359	USFS	Special Use Permit	2-1-88
4360	U.S. Navy	License	1-15-88

* Parcel 4354 - City of Los Angeles. License was obtained now because it will take up to 24 months for the City to grant easement.

B. Construction permits required: 2

KP/PM	Owner	Type Document	Effective Date	Expiration Date
3.0 (1.87)	B.C. Downs	Construction Permit	3-1-88	Completion of Construction
3.8 (2.35)	U.R. Graycee	"	3-1-88	"

2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES: Clearance letter has been received from Office of Structures. This project is now satisfactory for advertising insofar as the Southern Pacific Transportation Company is concerned.

3. MATERIAL/DISPOSAL SITES: Material sites - none required.
 Disposal sites - Optional sites provided as follows:

SAMPLE CERTIFICATION NO. 2 WITH VARIOUS INVOLVEMENTS**(Cont'd)**

(Form #)

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Parcel Agreement No.	Owner	Document Date	Expiration Date
M/S#182	Bureau of Land Mgmt.	7-22-86	Perpetual Withdrawal
Pcl. 18388	Forest Aggregates	12-3-87	12-3-89

5. **STATUS OF REQUIRED UTILITY RELOCATIONS:** None required. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved.

The following utilities are located within the project rights of way but require no relocation:

Company	Type of Facility
Paramount County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

6. **RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions remaining within the right of way area required for construction.
7. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
8. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** The project has no occupied parcels. The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the State has made replacement housing available to the relocatees.

Types of relocation involved on this project: Personal property relocation and Residential relocation.

9. **ENVIRONMENTAL MITIGATION:** All environmental mitigation parcels on the project have been acquired.
10. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(2). The project may be advertised with contract award being made at any time.

District Division Chief - Right of Way
(or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer /Attn: Scheduling Engineer

SAMPLE CERTIFICATION NO. 3 WITH VARIOUS INVOLVEMENTS

(Form #)

To: (Name), District Director**Date:**Attention: District Division Chief
Project Development**File:** Dist.-Co.-Rte.-KP/PM: _____

EA (Design Phase No): _____

Right of Way Fed-Aid No: _____

Const. Fed-Aid No.: _____

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. 3 for the project in _____.

1. **STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all land as follows:

- A. Total number of parcels required 51
 1) Parcel acquired (escrow closed or Final Order of Condemnation recorded) 47
 2) Parcels covered by Order for Possession (OP) 3

Parcel No.	Owner	Effective Date
23080	George Brown	11-13-94
23090	Capital Chevrolet	01-15-95
23094	Katie Smith, et al	02-30-95

- 3) Parcels covered by Right of Entry 1

Parcel No.	Owner	Type	Effective Date
23096	George Smith, et ux	Poss. Clause in Appv'd RC*	3-1-95

- * Possession Clause in Right of Way Contract effective March 1, 1995. A settlement has been reached and Right of Way Contract executed and approved. A Right of Entry was included in the Right of Way Contract due to anticipated problems and length of time to get a reconveyance on trust deed encumbering property. Right of Way Contract is encumbered and escrow is fully funded. It is anticipated escrow will close on or before July 3, 1995.

- B. Construction permits required: 7

KP/PM	Owner	Type of Document	Effective Date	Expiration Date
12.7 (7.9)	Texaco, Inc	Permit to Enter	05-19-95	Completion of Construction
13.0 (8.1)	Sheridan	" " "	03-25-95	" " "
11.9 (7.4)	Goushen	" " "	05-01-95	" " "
12.4 (7.7)	Nord-West	" " "	02-01-95	" " "
13.0 (8.1)	Ostman	" " "	02-08-95	" " "
13.4 (8.3)	River City Park Property	" " "	02-26-95	" " "
15.0 (9.3)	Ryan	" " "	02-01-95	" " "

2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** None.

3. **MATERIAL/DISPOSAL SITE(S):** None required.

4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** All necessary arrangements have been made for the completion of all remaining utility work required to be coordinated with project construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. The special provisions in the contract provide for the coordination (see schedule below). Federal approvals have been obtained.

The following utilities are located within the project rights of way but require no relocation:

Company	Type Facility
Dakota County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

The following utilities are in conflict with the project and require relocation as follows:

R/W Notice No.	Notice Date	Company	Liability	Type Facility	Relocation Schedule
18-1484	11-15-94	Mountain Electric	Owner	Pole Line	Concurrent with construction
18-1486	11-15-94	Live Oak Water Co.	State	Water Line	Prior to 4-30-95
18-1501	12-06-94	Flat Land Gas Co.	Owner	Gas Line	By 5-1-95
18-1504	12-06-94	City of Hays	State	Sewer Line	Bid Item*

Additional information required for bid items:

<u>Bid Item No.</u>	<u>Type Facility</u>	<u>Liability</u>	<u>Federal Participation</u>
190	8 mm sewer line	State	Yes

Copy of Specific Authorization to Relocate Utilities memorandum attached.

5. **RIGHT OF WAY CLEARANCE:** All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	KP/PM	Description	Salvable/ Non-Salvable	Method of Disposal	Date Available to Const. Contractor
24822	RT 1.1 (.7)	Carport	Salvable	Sale	4-30-95
21072	LT 1.2 (.8)	1-story building	Salvable	Owner to remove	4-15-95
71351	RT 2.0 (1.3)	Utility meters	Salvable	Relocate by utility co.	4-21-95
11449	LT 51.2 (31.8)	Adv. sign	Salvable	Sign co. to relocate	4-30-95
23088	48.OL(29.8)	*2 pumps	Non-Salvable	By const. contractor	Award of contract
23096	48.2L(29.9)	*house & outbuildings	Non-Salvable	By const. contractor	Award of contract
23098	48.25L(29.9)	*2 houses	Non-Salvable	By const. contractor	Award of contract

*Three houses, outbuildings and pumps are left for clearance by the construction contractor.

The houses and pumps are located within infected areas designated as "root rot areas" by biological consultants hired by Caltrans. The consultant's report stressed the point that vehicular and foot traffic should be kept to an absolute minimum to aid in the prevention of spreading the root rot fungus to uninfected areas. The District Project Engineer concurs with the findings of the consulting firm. We have on file letters from the FHWA and the District legal section expressing concurrence with the proposal to leave all improvements located in the root rot areas for either demolition or salvage by the highway contractor.

6. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** The project has no occupied parcels except as explained below. The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe, and sanitary housing, or the State has made replacement housing available to the relocatees.

Types of relocation involved on this project: Personal property relocation, residential relocation, and business, farm, or nonprofit relocation.

SAMPLE CERTIFICATION NO. 3 WITH VARIOUS INVOLVEMENTS**(Cont'd)**

(Form #)

EXHIBIT

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Exceptions:

Parcel No.	KP/PM	Name Occupant/Owner/Tenant	Date to Vacate	Type Occupancy
23083	1.9 (1.2)	Atkins (owner)	5-28-95	Bus.-Personal Prop.
23087	1.9 (1.2)	Maddock (owner)	5-28-95	Bus.-Personal Prop.

Explanation: The project has two occupied business parcels: Parcel 23083-Atkins and 23087-Maddock. There are no residential occupancies on either property nor are there any building improvements to be removed. Both properties are occupied by wholesale nursery operations and the personal property to be relocated consists of nursery stock in the ground (to be balled or containerized) and stock in containers.

We currently have agreements with the occupants of 23083 (Atkins) and 23087 (Maddock) that they will complete the move of their personal property by April 21, 1995. We intend to extend the date to May 28, 1995 by a second stipulation.

The occupants of both parcels were served with valid 90 day notices, the dates of which have now expired and they continue to occupy the parcels under extension agreements so that they will have the greatest amount of time possible to remove the nursery stock.

9. **ENVIRONMENTAL MITIGATION:** Acquisition of environmental mitigation parcels is ongoing. *Two parcels are currently in escrow which is scheduled to close prior to Certification. The third parcel is still being negotiated. The environmental document stipulated that the project may be certified once negotiations have begun.*

10. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. The project will be certified as conforming to paragraph (C)(1) by July 5, 1995.

District Division Chief - Right of Way

(or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer - Attn: Scheduling Engineer

**SAMPLE CERTIFICATION NO. 3 WITH REQUIRED TEMPORARY
EASEMENT**

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(Form #)

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To: (Name) , District Director**Date:**Attention: District Division Chief
Project Development**File:** Dist.-Co.-Rte.-KP/PM _____
EA (Design Phase No): _____
Const. Fed-Aid No.: _____
Right of Way Fed-Aid No.: _____**From:** DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. 3 for the Project in _____.

1. **STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all land as follows:

- A. Total number of parcels required 7
 1) Parcels acquired (escrow closed or Final Order of Condemnation recorded) 4
 2) Parcels covered by Order for Possession. 2

Parcel No.	Owner	Effective Date
027543	Homer Sisk	2-1-89
027526	John Homerick	9-12-89

- 3) Parcels covered by other acquisition document is as follows:

Parcel No.	Owner	Type	Effective Date	Expiration Date
027530	Betty Boop	Temp. Esmt.	8-1-89	8-1-92

- B. Construction permits, etc: 1

KP/PM	Owner	Type Document	Effective Date	Expiration Date
12.5/(7.8)	Grigg	Permit to Enter	6-1-89	6-1-92

2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** None affected.

3. **MATERIAL/DISPOSAL SITE(S):** None required.

4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** All necessary arrangements have been made for the completion of all remaining utility work to be coordinated with project construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. The special provisions in the contract provide for the coordination. (See schedule below.)

The following utilities are located within the project rights of way but require no relocation:

Company	Type of Facility
Porkpie County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

**SAMPLE CERTIFICATION NO. 3 WITH REQUIRED TEMPORARY
EASEMENT (Cont'd)**

(Form #)

EXHIBIT

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The following utilities are in conflict with the project and require relocation as follows:

Right of Way		Company	Liability (Owner/State)	Type of Facility	Relocation Schedule
Notice No.	Notice Date				
1543.0	9-27-88	Paramount Gas Co.	S	Gas	5-3-89
1543.5	3-26-88	Calif. Water Serv. Co.	S	Water	Concurrent w/construction

6. **RIGHT OF WAY CLEARANCE:** All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	KP/PM	Description	Salv./Non-Salv.	Method of Disposal	Date Avail. to Const. Contr.
027527	13.0 (8.1)	Sign Stand	Non-Salvable	By const. contractor	Award of contract

7. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
8. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project.
9. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for the project.
10. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. The project will be certified as conforming to paragraph (C)(1) by September 13, 1989.

District Division Chief - Right of Way
(or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer - Attn: Scheduling Engineer

SAMPLE SPECIAL CERTIFICATION NO. 3 WITH WORK-AROUND

14-EX-9 (Rev. 6/99)

(Form #)

Page 1 of 3

To: (Name), District Director

Attention: District Division Chief
Project Development

Date:

File: Dist.-Co.-Rte.-KP/PM: _____
EA (Design Phase No.): _____
Const. Fed-Aid No.: _____
Right of Way Fed-Aid No.: _____

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____

Subject: Right of Way Certification No. 3 with Work-Around for the Project in _____.

1. **STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all land as follows:

A. Total number of parcels required	<u>252</u>
1. Parcels acquired (escrow closed or Final Order of Condemnation recorded)	<u>235</u>
2. Parcels covered by Order for Possession	<u>8</u>

Parcel No.	Owner	Effective Date
41009	Grant	10-15-84
41013	Bibb	10-20-84
41016	Bibb	10-20-84
41023	Easley	11-30-84
41034	Boyd	10-20-84
41686	Doyle	11-9-84
41687	Alex	11-15-84
46932	Martin	10-1-84

3. Parcels covered by Right of Entry 9

Parcel No.	Owner	Type of RE	Effective Date
40999	Safeway Stores, Inc.	RE	12-1-84
41032	Western Title Ins. Co.	RE	12-1-84
41716	ATSF Railroad	RE	11-30-84
42860-2-3	Bio Rad, A Corp.	RE	10-1-84
43863	Safeway Stores, Inc	RE	11-1-84
43881	Jensen	Poss. Clause/Appv'd RC	12-1-84
46954	Southern Pacific Trans. Co.	RE	12-19-84
47888	University of California	RE	12-1-84
47889	Southern Pacific Trans. Co	RE	12-19-84

Parcels 40999 and 43863 - Safeway Stores, Inc. - Safeway Stores has been involved from the beginning of the development of this project and are in full agreement with the transaction. The final documents for this transaction are being processed; however, due to Safeway's large size and resulting slow corporate processing procedures, these final documents will not be received for some time.

Parcel 41032 - Western Title Ins. Co. - Western Title Insurance Company is in full agreement with this transaction. However, due to their large size and the fact that their corporate headquarters is located on the East Coast, these final documents will not be received for some time.

Parcel 41716 - ATSF Railroad - Right of Entry is included in the C&M Agreement.

Parcel 42860 - Bio Rad, A Corp. - Settlement on this parcel is pending resolution of highest and best use issue. Owner contends property could be used for commercial purposes while staff appraisal valued as residential. In an attempt to give owner every opportunity and consideration, a Right of Entry was used which allows owner to proceed with obtaining a formal decision from county.

Parcel 43881 - Jensen - Right of Entry in approved Right of Way Contract. A settlement has been reached and contract executed and approved. A Right of Entry was included in Right of Way Contract due to anticipated problems and length of time to get a reconveyance on trust deed encumbering property. Right of Way Contract is encumbered and escrow is fully funded. Escrow is expected to close on or before December 18, 1985.

Parcels 46954 and 47889 - So. Pacific Trans. Co. - Right of Entry is included in the C&M Agreement.

Parcel 47888 - University of California - Government agency. Processing time required will be lengthy.

2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** Clearance letter dated May 24, 1985 has been received from Office of Structures. This project is now satisfactory for advertising insofar as the Southern Pacific Transportation Company and the Atchison, Topeka and Santa Fe Railroad are concerned.
3. **MATERIAL/DISPOSAL SITE(S):** None required.
4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** All necessary arrangements have been made for remaining utility work to be undertaken and completed as required for proper coordination with the construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. The special provisions in the contract provide for the coordination. (See schedule below.)

The following utilities are located within the project rights of way but require no relocation:

<u>Company</u>	<u>Type of Facility</u>
Peanut County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

The following utilities are in conflict with the project and require relocation as follows:

<u>Right of Way</u>					
Notice No.	Notice Date	Company	Liability	Type of Facility	Relocation Schedule
593.11	9-7-84	PG&E	Owner	Gas	Concurrent w/construction
593.12	10-16-84	PG&E	Owner/State	Gas	" "
593.21	11-30-84	PG&E	State	Electric	" "
593.31	9-5-84	Pacific Bell	Owner/State	Telephone	" "
593.41	9-28-84	Boxley Util. Dist	State	Water	8-30-85
592.51	7-10-84	SP Pipe Lines	Owner	Oil	7-15-85
593.81	11-29-84	Boxley Cable	Owner	TV Cable	7-5-85
593.61	5-9-85	City of Boxley	State	Sewer	Bid Item*

*Bid Item No.	Type of Facility	Liability (Owner/State)	Federal Participation
190	8mm sewer line	State	Yes

* Copy of Specific Authorization to Relocate Utilities memorandum attached.

5. **RIGHT OF WAY CLEARANCE:** All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	KP/PM	Description	Salv./ Non-Salv.	Method of Disposal	Date Avail. to Const. Contr.
40871	8th/So. Ave.	Ad Sign	Salv.	By Ad Co.	7-20-85
41023	36th/So. Ave.	Ad Sign	Salv.	By Ad Co.	7-20-85
40998	1434 So. Ave.	Safeway entrance bldg.	Non-Salv.	By Safeway	7-25-85
*41034	645 E. 36th	SFR	Non-Salv.	By Const. Contractor	12-20-85
43896	424/430 5th	Apt.	Salv.	Relocation	7-1-85

*Residential Occupant Work-Around until 12-20-85 (approval attached). Resident's new home being built will be ready for occupancy on 12-1-85. Builder has provided a \$10,000 bond guarantee that residence will be ready by that date. The Residential Engineer will be notified when occupant has vacated so that construction contractor can demolish.

6. **AIRSPACE AGREEMENTS:** There are no lease properties within the limits of this project.
7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM:** The project has no occupied parcels except as explained below. The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the State has made replacement housing available to them.

Occupants of the residences, businesses, farms or nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

Types of relocation involved on this project: Personal property relocation, (AND) residential relocation, (AND) business, farm or nonprofit relocation

Explanation:

Parcel No.	Location	Occupant	Date to Vacate	Type of Occupancy
*41013 and 41016	33rd/Hoffman	Bibb(Owner)	7-28-85	Bus.-Per.Prop.
**41034	645 E. 36th St.	Boyd(Owner)	12-1-85	Residential

* These parcels are covered by OP and Writ of Assistance. The personal property will be completely removed by 7-28-85. These are unimproved properties used for storage of equipment.

** Residential occupant to move into new home on 12-1-85.

8. **COOPERATIVE AGREEMENTS:** None.
9. **ENVIRONMENTAL MITIGATION:** Acquisition of environmental mitigation parcels is ongoing. The parcel required for mitigation will close escrow prior to the State's construction as required by the environmental document.
10. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the Bid Documents. An updated Certification No. 3 with Work-Arounds will be provided by September 1, 1985.

The Certification No. 3 with Work-Arounds is required for this project because the delay in advertising required to fully clear the project would cause an estimated \$900,000 increase in the cost of construction due to inflation.

District Division Chief - Right of Way

(or person authorized in writing to sign Certification)

Attachments

- c: District or Headquarters, Office Engineer - Attn: Scheduling Engineer
Headquarters, Program Manager, HQ R/W - Attn: Project Delivery Liaison

